

and records of the first respondent from the date of its incorporation and to prepare proper accounts and a report for the shareholders. All expenses incurred in the examination of the accounts and records and in the preparation of the accounts and report are to be borne by the first respondent. In preparing the accounts and report, Messrs. Coopers & Lybrand shall take into consideration as part of the assets of the company:

- (i) the sum of RM375,000 which was not received from the fifth defendant,
- (ii) the proceeds of sale of the motor vehicle WT 3079,
- (iii) the amount representing the penalty paid to the Department of Inland Revenue as a result of the late submission of accounts.

The auditor are also required to include in the report all sums found to be due and owing by the second, third, fourth and fifth respondents to the first respondent.

Once the assets of the company have been aggregated, Messrs. Coopers & Lybrand shall value the petitioners' 90,000 shares in the light of the increased share capital viz 1,350 ordinary shares.

Once the value of the shares is determined, the second, third, fourth and fifth respondents will purchase the shares of the petitioners in equal proportions.

The respondents will pay the costs of this petition of the petitioners.

Parties to be at liberty to apply in the implementation of this order.

a DAMANSARA JAYA SDN. BHD.

v.

**PENGHUNI-PENGHUNI KUIL
MUNESWARAN ALAYAM ATAU KUIL
MUNIANDY MAHA KALI ALAYAM**

**b HIGH COURT, SHAH ALAM
DATO' MAHADEV SHANKAR J.
[ORIGINATING SUMMONS NO. 24-27-92]
30 SEPTEMBER 1992**

c PRACTICE & PROCEDURE: Temple occupying portion of land - Built with consent of previous owners - Present owners acquiesced its existence - Whether temple illegal society - Whether worshippers trespassers - Inequitable act of applicant - Order 89 r. 3(b) Rules of the High Court 1980.

d In 1990 about 340 hectares of land was transferred to the plaintiff. On a small portion of the said land was a small Hindu Temple (the said temple) built in 1915 with the consent of the owners then. The plaintiffs acquiesced the existence of the said temple when it become the registered owner. The plaintiffs claimed that the temple and its worshippers had trespassed its land and that since the said temple was not registered with the Registrar of Society the said temple is illegal society.

e Since January 1992 and before hearing of the summons the plaintiff had carried out massive earthworks on the said land, thereby endangering the temple structure and cutting off access to the temple completely.

f Held:

g [1] The plaintiffs non-compliance with O. 89 r. 3(6) was constituted by their wilful failure to disclose that the said temple was occupied with the licence and consent of their predecessors in title. At the very least they ought to have known that if such consent was not express it could readily be implied. Their misfeasance did not however end there. After filing their application they have produced a situation in which the rights, if any, of the temple devotees have been rendered nugatory. Such misconduct by itself disentitles them to any relief in this Court. He who comes for equity must be prepared to do equity and he must come with clean hands.

h [2] Under customary Hindu Law it is well established that if a landowner sets apart land which he owns for the establishment of a temple which the public use for worship over a long

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**Damansara Jaya Sdn. Bhd. v. Penghuni-Penghuni Kuil Muneswaran
Alayam Atau Kuil Muniandy Maha Kali Alayam**

[1994] 1 CLJ

Mahadev Shankar J.

165

course of time, a trust of that land will be deemed to have been expressly or impliedly created. The temple deity is deemed to be a juridical entity. The temple guardian is also deemed to be the trustee of the temple property and has a right to sue and be sued in that capacity. To call such person committee members of an association could be a misnomer. Members of the public are also regarded as having a legal right of access to the temple to worship there if they are of the faith.

[3] Applying the ordinary principles of construction the “nature or object” which the Act contemplates must be related to material objectives, whether this be in the form of personal, pecuniary, or political advancement. The words which follow are “temporary or permanent”. They are **not** “temporal or spiritual”.

[Plaintiffs application dismissed].

Cases referred to:

Mohamed Noor bin Othman & Ors. v. Hj. Mohd. Ismail bin Hj. Ibrahim & Ors; Mohamed Noor bin Othman & Ors. v. Mohd. Yusoff Jaafar & Ors. [1988] 2 CLJ 597/[1988] 2 MLJ 82 (**dist**)
Bohari bin Taib v. Pengarah Tanah Galian Selangor [1991] 1 CLJ 647/[1991] 1 MLJ 343 (**fol**)
Pramatha Nath Mulliah v. Pradhyumna Kumar Mullich 52 Ind. App. 245; [1925] AIR PC 139 (**cit**)
Commissioner, H.R.E. Board Madras v. Narasimhan [1939] AIR Madras 134 (**cit**)
Mundancheri Koman v. Achutan Nair AIR PC 280 (**cit**)
Subramania Aiyer v. Pujari Lashmana Govindar [1920] AIR Mad. 42 (**cit**)
Narayanan v. Hindu Religious Endowments Board [1938] AIR Mad. 209 (**cit**)
Bhupathi Nath Smritirtha v. Ramiah Maitra 37 ILR Calcutta 128 (**cit**)

Legislation referred to:

National Land Code 1965, s. 42
Rules of the High Court 1980, O. 24, r. 10(1), O. 89 r. 3(b)
Societies Act 1966, ss. 2, 43

For the plaintiff- Yong; M/s. Chan & Kiru

For the defendant - Kalai; M/s. Kalai & Partners

JUDGMENT

Mahadev Shankar J:

This matter essentially concerns the scope of O. 89 of the Rules of the High Court 1980.

The Jeram Rubber Estates Limited (Jeram) owned a very large tract of land called Effingham Estate. Six titles forming its residue and in area about 1440 acres, were sold in July 1973 to

a Damansara Jaya Bhd. Counsel for the plaintiff says that when the shareholders of that public company split, the assets were distributed. So it came about that all the lands comprised in Grant 25102 (originally described as CT.4372 and a part of the residue aforesaid and comprising about 340 hectares (the said land) was transferred on 27 September 1990 from Damansara Jaya Bhd. to Damansara Jaya Sdn. Bhd. hereafter referred to as DJSB.

b The said land was a rubber estate situated to the west of Taman Tun Ismail which is just across the main highway to Kepong/Sg. Buloh. To the south of this highway and on the same side as the said land is Damansara Utama. By 1990 both were developed townships. DJSB proposed to convert the said land into another township called Bandar Utama.

c On a small portion just adjacent to and within about 100 metres of the Eastern Boundary of the said land was a small Hindu Temple (the said temple) variously described as Ellai Muniandy Maha Kali Temple, or the Muniandy Temple Kampong Sungai Kayu (these are English translations) or Kuil Muneswaran Alayam atau Kuil Muniandy Maha Kali Alayam (the Bahasa Malaysia version).

d I have before me an affidavit affirmed by one Raman Varathappan (Enc. 20) stating that the said temple has been in existence since 1915 when it was established together with a half-acre of ground with the approval and consent of the estate owners.

e DJSB filed this summons on 16 January 1992; supported by an affidavit (Enc. 2) of Teo Chiang Koh (Teo). Annexed to this affidavit are three photographs taken on 8 November 1991 from which the following facts are clearly established. The said temple consists of two structures. One is a wooden building with a zinc roof. The wood is too aged and the roof too rusted to be of recent origin. The land is in its natural condition and contour. That is to say it was level grass land with a mature garden. To the side and behind the structures were full grown banana trees, hibiscus and other shrubs of the usual kind found beside Hindu temples. The access to the said temple, which was by way of a footpath from the eastern boundary, was then unimpeded. The temple had piped water supply.

f DJSB fully appears to have acquiesced in the existence of the said temple when it became the

registered proprietor of the said land in September 1990. On 27 October 1991 there was a 'Kumbabishegam' ceremony at the temple. No objections were taken to this. I agree with defendants' counsel that this means a periodic cleansing ceremony. When the photographs aforesaid were taken on 8 November 1991 the said temple had a temple headman named Raja.

In paragraph 5 of his affidavit Teo states that he was informed and verily believed that in October 1991 several people unknown to the plaintiffs built the said temple. It is well accepted that statements based on information are useless unless the deponent names the persons who gave him the information. In paragraph 6 of this affidavit Teo acknowledges the said temple was used as a place of worship. Elsewhere in his affidavit he describes the said temple as a "kuil haram".

Two grounds appear to be advanced for this suggestion. Firstly the temple and its worshippers were stated to be trespassers on DJSB's land. But there was absolutely no evidence of any prior objections to entry by members of the public into the said temple and its grounds. Secondly Teo relies on a letter written by the plaintiffs' solicitors to the Registrar of Societies on 6 January 1992. This letter has not been produced in evidence. But the reply from the Registrar dated 8 January 1992 states that there is no record of any registration under the Societies Act 1966 of a Kuil Muneswaran Alayam Taman Paramount (Pesiaran Bandar Utama Damansara Selangor). This is not how the defendants are described in this application.

By filing this application DJSB invited the intervention of this Court. It behoved DJSB to maintain the *status quo* until some order could be made. After service the defendants' solicitors entered appearance on 22 February 1992 and asked for a postponement of the return date on 28 February 1992. The case was postponed to 25 March 1992. On that day plaintiff's counsel appeared, mentioned the case for the defendants solicitors and requested for another date to be fixed. The proceedings were therefore adjourned to 13 July 1992.

What was then happening on the ground is significant. Between January 1992 and 6 May 1992 the plaintiffs by their developer, Damansara Jaya Development Sdn. Bhd. (the developers) had carried out massive earthworks on the said land and reshaped it in such a way

a as to make it unrecognizable from its original state. By cutting and filling the developers had raised the ground level on three sides of the temple to a level of some 20 feet. The raw earth now sloped almost up to the temple walls. Only the front access to the said temple remained unscathed. A patch of grass some 20 feet wide leading to the settlement on the eastern boundary was left intact standing in sharp contrast to the menacing laterite slopes on the other three sides.

b All this is clearly seen in the photographs attached to Enc. 9 which is Teo's affidavit of 6 May 1992. These photographs were being exhibited to demonstrate how the said temple was obstructing the progress of the earthworks. The developer's object was to fill the temple site as well to raise it to the same level as the other slopes. That would literally have buried the temple out of sight. Their counsel appeared on 8 May 1992 alone, and in the absence of the defendants' solicitors vacated 13 July 1992 date and brought the matter forward to 15 June 1992.

c On that date the defendants applied for discovery of documents relating to the plaintiff's title. **d** The plaintiffs objected. This application was eventually dealt with by the Registrar and dismissed on 4 August 1992. But by then the defendants had already filed an affidavit deposed on 11 July 1992 by one Krishnan (See Enc. 13A) joining issue on the legality of the defendants occupation. There was sworn testimony that the said temple had been on the site at least since 1925 to this deponent's knowledge. There was no question of the defendants being trespassers when the plaintiffs was registered as owner. However the Registrar was persuaded by plaintiff's counsel that the request by the defendants for sight of the documents upon which the plaintiff relied to establish title was a fishing expedition and that on the authority of *Mohamed Noor bin Othman & Ors. v. Hj. Mohd. Ismail bin Hj. Ibrahim & Ors; Mohamed Noor bin Othman & Ors. v. Mohd Yusoff Jaafar & Ors.* [1988] 2 MLJ 82 the said temple was an illegal society. As to fishing it does not seem to have occurred to defence counsel to refer the Registrar to O. 24 r. 10(1) of the Rules of the High Court which entitles a party as of right to require the other party to produce documents referred to in their pleadings or affidavits and permit copies to be taken thereof. I will come back to the case cited later.

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Further adjournments of dates fixed in August went by on the ground that the parties were negotiating settlement. These negotiations obviously were abortive and the matter came up before me for disposal on 24 September 1992. On 22 September 1992 one Raman affirmed an affidavit confirming that this temple had been in existence at least since 1915 and gave the names of persons who could testify to this. A photostat copy of a written agreement between Jeram and Damansara Jaya Bhd. dated 2 July 1973 was also produced. This document is important because it gives rise to the inference that if the temple was in existence since 1915 it remained undisturbed by the acquiescence of Jeram, Damansara Jaya Bhd. and the plaintiff till these proceedings were filed.

Another affidavit also affirmed on 22 September 1992 by Krishnan. He complained that on or about 18 September 1992 he went to the temple and found that the plaintiff's workers had now moved a considerable amount of earth to the front of the temple thereby cutting off access completely. Under the supervision of the plaintiff's site engineer (a Chinese gentleman) his workers were constructing a precarious "brick" wall on the inner slope of loose earth just adjacent to the temple entrance and about 1½ feet from it. Krishnan's vehement protests to the site engineer fell on deaf ears. He took some photographs. On 19 September this "brick" wall collapsed and partially destroyed the wooden structure. Police reports were made. Krishnan's complaint is that, the wall was built so precariously that it was calculated to collapse on to the temple. The plaintiff's representative said that interested parties representing the defendants had deliberately cut the wire mesh holding the wall together so as to cause it to collapse. More photographs were taken by Krishnan and these were produced as evidence in Court at the hearing on 23 September 1992 in an affidavit-in-support of a summons-in-chambers by the defendants praying for restraining orders to prevent the plaintiff from inflicting further damage.

After the submissions from both parties I visited the site on 24 September 1992 in the presence of the solicitors of both parties.

Taking the photographs put in for the defendants on 23 September 1992 together with what I saw for myself on 24 September 1992 I state the following as findings of fact by this Court viz:

- (a) that between May and September the plaintiff had caused very substantial quantities

- a of earth to be moved between the temple entrance and the eastern boundary of the said land so that all access to the said temple was now completely cut off;
- (b) that the said temple was now in a pit surrounded by a high wall of loose earth on all sides;
- b (c) that on or prior to 18 September 1992 the plaintiffs heaped a considerable quantity of aggregate in the form of irregular granite blocks on the temple site;
- (d) that these were used to build what plaintiff's solicitor called a "gabion" wall i.e. the aggregate was stacked into wire mesh baskets and placed one above the other in front of the temple entrance so as to completely block it altogether;
- c (e) that the stones which were so stacked were supported only by its own weight. They would permit water to seep through but not the earth behind them. Not being anchored into the soil the gabion wall could shift with pressures behind it;
- d (f) that the said temple structures and the idols were then intact;
- (g) that on 19 September the so called gabion wall collapsed and demolished the wooden walls of the said temple causing the roof to collapse;
- e (h) that with this kind of damage and access completely cut off the said temple was no longer a viable structure unless it is rebuilt, and the access restored, if it is to remain *in situ*.

f By reshaping the environment the plaintiffs have created other problems for themselves. To cope with the drainage of the said land in its altered state the plaintiffs constructed a large monsoon drain which runs along the eastern boundary, roughly from a southern to a northern direction. As can be seen from the photographs Enc. 21 Ex. K3 (Nos. 11, 12, 15 and 15) this monsoon drain stops just short of the land in front of the temple. By reason of the slope and direction of flow the water must discharge itself into the pit the plaintiffs had created and also across the other side into the squatter settlement alongside the eastern boundary. The plaintiffs object in getting across the temple access is to run the drain through it to connect up with the drain which is to run northwards till it exits the plaintiff's property into the main storm drains alongside the main public highway.

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There is before me ample evidence to show that this is not suitable case for summary relief under O. 89 of the Rules of the High Court. *Bohari bin Taib v. Pengarah Tanah Galian Selangor* [1991] 1 MLJ 343 is conclusive being a Supreme Court decision and binding upon me. Y.A. Mohamed Azmi SCJ said at p. 346:

... In our opinion, for the purpose of the summary procedure, a distinction should be made between squatters simpliciter who have no rights whatsoever, and occupiers with licence or consent, and as well as tenants and licensees holding over. It may be impossible to establish the existence of any triable issue in the case of bare squatters, but the position of tenants and licensees holding over, or persons occupying with implied or expressed consent of the owner may be different. On the facts, we hold that there are triable issues on the absence of either licence or consent as alleged by the respondent. Evidence *viva voce* is required not only on the alleged consent of the respondent to the appellants' occupation rendering their entry lawful, but also on whether the approval of the state authority to the alienation of the lands to the appellants and the other occupiers had been given in 1980 under s. 42 of the National Land Code 1965. In this case, we also find that the respondent has failed to comply with r. 3(b) of O. 89 by its failure to disclose fully in its affidavit-in-support, the whole of relevant circumstances how the lands came to be occupied by the appellants both before and after the three-year period of the TOL, and why the approval of the State Executive Council to the alienation of the lands to the farmers as contained in the collector's letter of 25 October 1980, was neither exhibited nor implemented.

In the present matter the plaintiff's non-compliance with O. 89 r. 3(b) was constituted by their wilful failure to disclose that the said temple was occupied with the license and consent of their predecessors in title. At the very least they ought to have known that if such consent was not express it could readily be implied.

Their misfeasance did not however end there. After filling their application they have produced a situation in which the rights, if any, of the temple devotees have been rendered nugatory. Such misconduct by itself disentitles them to any relief in this Court. He who comes for equity must be prepared to do equity and he must come with clean hands. The issue as to whether the plaintiffs may be held liable for the damage caused to the temple and which may be caused to the occupants of the neighbouring

a land by earth and water escaping from the plaintiff's land because of the way they have recontoured it and installed a half completed drain which is now poised over the neighbouring land must be decided elsewhere. Curiously it is not as though the plaintiffs were unaware of the perils they were creating for their neighbours.
b By a letter dated 10 July 1992 the plaintiffs solicitors gave notice to the defendants solicitors that if such damages occurred they would hold the defendants liable because the defendants were allegedly in illegal occupation of that portion of the said land on which the said temple stood! [A copy of this letter was extended to this Court (Enc. 12)].
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I must now deal with another aspect of this matter which raises an issue which it is in the public interest to have decided. The submission made by the plaintiff's counsel is that the defendants are trespassers and the emphasis is that this is so because they were an illegal society not being registered under the Societies Act 1966 (the Act). Reference was made to the case of *Mohd Noor bin Othman & Ors. v. Mohd Yusof Jaafar & Ors.* [1988] 2 MLJ 129. That case resulted in the United Malays National Organisation to which we owe our Independence being declared an unlawful society.
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Plaintiff's counsel submits that this case applies equally to the defendants. Being an unlawful society he claims that the worshippers at this temple are not and cannot be entitled to any equities in the eyes of the law. He claims that any person who gives any aid to this allegedly unlawful society is committing an offence under s. 43 of the Act, and even objected to Encik Kalai appearing for the defendants because he was thereby giving aid to the society.
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He refers to the definition of "society" under s. 2 of the Act and says that because the defendants do not come within any of the exclusions, they are a society and because the law requires a society to be registered and the defendants have not done so they are an illegal body.
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The definition reads:

h 'Society' includes any club, company, partnership or association of seven or more persons whatever its nature or object, whether temporary or permanent, ...

Applying the ordinary principles of construction the "nature or object" which the Act contemplates must be related to material objectives,
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**Damansara Jaya Sdn. Bhd. v. Penghuni-Penghuni Kuil Muneswaran
Alayam Atau Kuil Muniandy Maha Kali Alayam**

[1994] 1 CLJ

Mahadev Shankar J.

169

whether this be in the form of personal, pecuniary, or political advancement. The words which follow are “temporary or permanent”. They are **not** “temporal or spiritual”.

Common sense would suggest that seven persons who gather by prior appointment at a restaurant for a meal cannot be regarded as an association. It is common place for seven or more persons in Malaysia to gather in each others houses for prayer meetings. Are they to be described as a statutory association?

Under customary Hindu law it is well established that if a landowner sets apart land which he owns for the establishment of a temple which the public use for worship over a long course of time, a trust of that land will be deemed to have been expressly or impliedly created. The temple deity is deemed to be a juridical entity. The temple guardian is also deemed to be the trustee of the temple property and has a legal right to sue and be sued in that capacity. To call such persons committee members of an association could be a misnomer. Members of the public are also regarded as having a legal right of access to the temple to worship there if they are of the faith.

These propositions have received judicial recognition in several Privy council decisions which have been commented upon with approval by Indian Courts which have applied them. I need only to refer to *Pramatha Nath Mulliah v. Pradhyumna Kumar Mullich* 52 Ind. App. 245, also [1925] AIR PC 139; *Commissioner, H.R.E. Board Madras v. Narasimham* [1939] AIR Madras 134, *Mundancheri Koman v. Achutan Nair* AIR PC 280, *Subramania Aiyer v. Pujari Lashmana Govindar* [1920] AIR Mad. 42, *Narayanan v. Hindu Religious Endowments Board* [1938] AIR Mad. 209, and *Bhupathi Nath Smritirtha v. Ramlah Maitra* 37 ILR Calcutta 128.

Customary Hindu law has been applied by Malaysian courts, where the circumstances so warranted. Factual evidence has been presented to this court that the owners of Effingham Estate had dedicated the site of the said temple for Hindu religious worship, and that since 1915 the public had so used it without let or hindrance till January 1992 when this application was filed - There is a case to be argued that the public have a right so to use the access to the said temple and the temple itself.

a This line of thinking has been upheld by Y.A. Abdul Razak J. in *Saman Pemula SP 31-3525-88* where Sungai Klang Dredging Sdn. Bhd. unsuccessfully sought to evict the persons in occupation of the Sri Mahamariamman Temple on a piece of land in Puchong Village. There the temple was in existence for a hundred years established by the owners of Castlefield Estate. In 1977 the applicants bought the estate and tried unsuccessfully to evict the temple users in 1988. The court held they had an equity which could not be terminated.

b In all the circumstances I am compelled to hold that the plaintiff must be held responsible for pre-empting the court and attempting literally to flush out the said temple or bury it where it stood. But this case is not the proper venue for ventilating all the issues which arise from the difficulties the plaintiff has created for itself in the mistaken belief that because the temple was not registered under the Societies Act it could be obliterated with impunity.

c The plaintiff's application for an eviction order under O. 89 is hereby dismissed with costs to be taxed and paid by the plaintiffs to Krishnan a/l Ramasamy to be held by him in trust for the temple and disposed of accordingly for the benefit of the temple.

d I have made this order because I am satisfied that O. 89 is not the correct procedure as there are triable issues as to the existence of the equity claimed on behalf of the temple trustees and worshippers to continue to enter and worship at this temple. I do not need to decide in this case whether or not the temple trustees and their worshippers constitute an illegal society. Suffice to say that I have grave reservations as to whether this submission is correct.

e Should either party be minded to pursue its claim on any of the issues raised herein or any other issues ensuing out of or incidental to this application, they could do so by way of a writ of summons and defence and counterclaim, whereby any conflict of testimony can be resolved on *viva voce* evidence after cross examination. In the light of the authorities earlier referred to consideration could be given to whether that writ should take the shape of a class action.

f One final observation needs to be made. Plaintiff's counsel stated from the bar table that the plaintiffs had offered the defendants

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money to vacate but that they had refused. The plaintiffs were not prepared to give them an alternative site anywhere on their land. If this reluctance is based on its fear that they may be transgressing the law because of some alleged illegality arising from the non-registration under the Act it is to be hoped that the parties will review the position the Malaysian way in a search for a rational solution.

One need not go so far as Abu Simbel on the Nile to see how a historic temple can be relocated. Damansara Utama was also a rubber estate not very long ago. As one approaches Jalan Damansara from the main Highway Jalan SS 20/27, on the left side of the road are two wayside shrines, one Chinese and the other Indian - both divine beacons to all passers-by of the faith. Inspiration should be readily available there for a solution to this problem which could easily get out of hand if it is not quickly and compassionately resolved.

DATO' LEONG POW KUE & 3 ORS.

v.

GAN KIM SING

HIGH COURT, JOHOR BAHRU
TUAN HAIDAR BIN MOHD. NOOR J.
[CIVIL SUIT NO. 23-245 OF 1989]
29 SEPTEMBER 1993

PRACTICE & PROCEDURE: Order 14 RHC - Whether defendant had a real defence - Defendant solicitor of second plaintiff in the sale and purchase of land - Payment made by plaintiffs in excess for portion already acquired by government - Questions of fact - Whether plaintiff informed of acquisition - Whether defendant negligent - Duty of solicitor - Whether defendant in breach - Questions of law - Defendant acting for second plaintiff only - Whether liable to the others - Vendor compensated for land acquired by government - Whether vendor should have been made a party - Negligence of Land Office - Whether a valid defence - Mitigation of losses - Whether plaintiffs under a duty to mitigate - Apparent conflict of affidavit evidence - Whether merited further investigation.

TORT: Negligence - Defendant solicitor to second plaintiff - Duty of solicitor acting in the sale and purchase of land - Whether defendant in breach.

The case before the Court was an appeal against the order of the Senior Assistant Registrar whereby he gave the plaintiffs summary judgment for RM191,070 with interest and costs.

The claim of the plaintiffs was centered on the excess payment of RM191,070 for the purchase of a piece of land in Johor Bahru ('the said land') on 21 April 1984. The plaintiffs claimed that a sum of RM967,461 was paid for an area of 29,317 sq. ft. at a price of RM33 per sq. ft., whereas the actual area they got was 23,527 sq. ft. The area of 5,790 sq. ft. was acquired by the government on 19 June 1974, pursuant to declaration of intended acquisition under a gazette notification dated 14 April 1973. Declaration of intended acquisition was endorsed on the register document of title on 18 June 1973, but the endorsement of the actual acquisition was endorsed only on 25 July 1988. Compensation of RM25,372 for the 5,790 sq. ft. acquired was received by the registered owner on 20 June 1974, and the said land was then sold to Seng Hup Chan Auto Supply Sdn. Bhd. in 1976.